

### **REMARKS**

The present Amendment cancels claims 1-5 and adds new claims 6-9. Therefore, the present application has pending claims 6-9.

Applicants note that the Examiner did not consider the Information Disclosure Statement submitted along with the application on August 1, 2001. Attached herewith is a Form PTO-1449 providing a listing of said references and providing copies thereof so as to permit their immediate consideration. Therefore, an indication that said references have been considered in the forthcoming Office Action is respectfully requested.

Claims 1-3 stand objected to due to informalities noted by the Examiner in paragraph 2 of the Office Action. As indicated above, claims 1-3 were canceled. Therefore, this objection is rendered moot. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

Claims 3 and 5 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. As indicated above, claims 3 and 5 were canceled. Therefore, this rejection is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 3 and 4 stand rejected under 35 USC §102(b) as being anticipated by Ma (U.S. Patent No. 5,953,338); and claim 2 stands rejected under 35 USC §103(a) as being unpatentable over Ma in view of Chiu (U.S. Patent No. 6,744,767). As indicated above, claims 1-4 were canceled. Therefore, these rejections with

respect to claims 1-4 are rendered moot. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

It should be noted that the cancellation of claims 1-5 was not intended nor should it be considered as an agreement on Applicants' part that the features recited in claims 1-5 are taught or suggested by any of the references of record. The cancellation of claims 1-5 was simply intended to expedite prosecution of the present application. Applicants hereby reserve their right to pursue the invention as set forth in claims 1-5 in a continuing application.

As indicated above, the present Amendment cancels claims 1-5 and adds new claims 6-9. New claims 6-9 are directed to a path size control method for a cross-connecting device and the cross-connecting device itself. According to the present invention, the cross-connecting device is connected to an upstream side cross-connecting device via a first transmission line and to a downstream side cross-connecting device via a second transmission line so as to relay a communication frame received from the first transmission line to the second transmission in a Synchronous Digital Hierarchy/Synchronous Optical Network (SDH/SONET) network.

According to the present invention, index information is detected wherein the index information indicates a size of a path from H1 and H2 bytes of a header of a first communication frame received from the first transmission line, new index information is set into the H1 and H2 bytes of a header of a second communication frame to be transmitted to the second transmission line if the path size has been specified from a manager system of the network, and the detected index information

is set into the H1 and H2 bytes of the header of the second communication frame if the path size has not been specified from the manager system of the network.

Thus, according to the present invention the SDH/SONET network proposes an improved path size control method and cross-connecting device wherein a path size automatic change mode is implemented so as to automatically change a path size to accommodate various types of communications having communication frames of various widths.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention as now more clearly recited in the claims are not taught or suggested by Ma or Chiu whether taken individually or in combination with each other as suggested by the Examiner.

Ma is related to a Quality Of Service (QoS) control method implemented in an Asynchronous Transfer Mode (ATM) system. As taught by Ma, a process is used for monitoring a utilization level of a grouping of virtual paths on a physical interface. Based on such monitoring as taught by Ma, if the amount of required bandwidth exceeds the maximum threshold bandwidth, then the service contract governing the clients use of the network is consulted to determine whether to modify the available bandwidth to the user or prevent the user from exceeding the allowable bandwidth.

Thus, as is quite clear from the above, Ma has no relation whatsoever to an SDH/SONET network and the operation of cross-connecting nodes as in the present invention as recited in the claims. Ma is simply directed to QoS control in an ATM

system not a SDH/SONET network using cross-connecting devices as in the present invention as recited in the claims. These elements are quite different from each other as is well understood by those of ordinary skill in the art.

Further, there is no teaching or suggestion in Ma of the specific operations now more clearly recited in the claims, namely the detecting of index information indicating a size of a path from H1 and H2 bytes of a first communication frame received from the first transmission line, the setting of new index information into H1 and H2 bytes of a header of a second communication frame to be transmitted on the second transmission line if the path size has been specified and the setting of the detected index information into the H1 and H2 bytes of the header of the second communication frame if the path size has not been specified as recited in the claims. There is absolutely no teaching or suggestion in Ma of the above described detecting and setting steps as now more clearly recited in the claims.

Therefore, Ma does not anticipate nor render obvious the features of the present invention as now more clearly recited in the claims.

The above noted deficiencies of Ma are also evident in Chiu. Therefore, combining the teachings of Ma and Chiu in any manner would still fail to teach or suggest the features of the present invention as now more clearly recited in the claims.

Chiu, similar to Ma relates to QoS control for use in IP networks. Chiu discloses the use of a bandwidth router that monitors the virtual bandwidth on a link and sets warning flags for those links when the virtual bandwidth exceeds a pre-specified bandwidth. However, the bandwidth router as taught by Chiu is a computer

or server connected to a network and its major functionality includes provisioning leased line subscriptions, provisioning assured subscription and traffic monitoring. The Examiner's attention is directed to col. 12, line 56 through col. 13, line 25 of Chiu. In the above noted passage of Chiu, it is quite clear that the bandwidth is not a node device for relaying communication frames in a network as in the present invention as recited in the claims.

In addition to the above, the same as Ma, it is quite clear that there is no teaching or suggestion in Chiu of the above described detecting and setting steps shown not to be taught or suggested by Ma. Thus, Chiu suffers from the same deficiencies relative to the present invention as now more clearly recited in the claims as Ma. Accordingly, combining the teachings of Ma and Chiu in any manner would still fail to teach or suggest the features of the present invention as now more clearly recited in the claims.

Therefore, Chiu does not anticipate nor render obvious the features of the present invention as recited in the claims whether said reference is taken individually or in combination with Ma as per the Office Action.

Based on the above, Applicants submit that new claims 6-9 are allowable over the prior art of record.

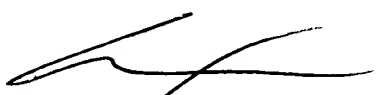
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-5.

In view of the foregoing amendments and remarks, applicants submit that claims 6-9 are in condition for allowance. Accordingly, early allowance of claims 6-9 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (520.40407X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



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Carl I. Brundidge  
Registration No. 29,621

CIB/jdc  
(703) 684-1120